

1 DINA L. SANTOS, SBN 204200
2 Dina L. Santos, A Professional Law Corp.
3 455 Capitol Mall, Suite 802
4 Sacramento, California 95814
5 Telephone: (916) 447-0160

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

100 UNITED STATES OF AMERICA, } Case No.: 19 CR 240 JAM
101 Plaintiff, } STIPULATION AND ORDER TO
102 vs. } CONTINUE STATUS CONFERENCE
103 VICTOR BARRAZA, } Date: November 2, 2021
104 Defendants. } Time: 9:00 a.m.
105 } Judge: Hon. John A. Mendez

STIPULATION

106 The United States of America through its undersigned counsel, Justin Lee,
107 Assistant United States Attorney, together with Dina Santos, counsel for Victor Barraza,
108 hereby stipulate the following:

109 1. The Status Conference was previously set for September 28, 2021. By this
110 stipulation, the parties now move to continue the Status Conference to November
111 2, 2021, at 9:00 a.m. and to exclude time between September 28, 2021, and
112 November 2, 2021, under the Local Code T-4 (to allow defense counsel time to
113 prepare).

114 2. The parties agree and stipulate, and request the Court find the following:
115 a. A continuance is requested to continue to allow the Defense to meet with the
116 client who lives in Monterey County and only speaks Spanish, review the
117 discovery, conduct investigation, and discuss a potential resolution.

1 b. Counsel for the Defendant believes the failure to grant a continuance in this
2 case would deny defense counsel reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence.

4 c. The Government does not object to the continuance.

5 d. Based on the above-stated findings, the ends of justice served by granting the
6 requested continuance outweigh the best interests of the public and the
7 defendants in a speedy trial within the original date prescribed by the Speedy
8 Trial Act.

9 e. For the purpose of computing time under the Speedy Trial Act, 18 United
10 States Code Section 3161(h)(7)(A) within which trial must commence, the
11 time period of September 28, 2021, to November 2, 2021, inclusive, is deemed
12 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
13 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
14 granted by the Court at defendant's request on the basis of the Court's finding
15 that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 3. Nothing in this stipulation and order shall preclude a finding that other provisions
18 of the Speedy Trial Act dictate that additional time periods are excludable from
19 the period within which a trial must commence.

20
21 **IT IS SO STIPULATED.**

22
23 DATED: September 24, 2021

Phillip Talbert
United States Attorney

/s/ Justin Lee
JUSTIN LEE
Assistant U.S. Attorney

24
25 DATE: September 24, 2021

/s/ Dina Santos
DINA SANTOS
Attorney for Victor Barraza

ORDER

The Court has read and considered the Stipulation Regarding Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

IT IS SO ORDERED.

Dated: September 24, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE